

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MAGNESIUM MACHINE, LLC, an Oklahoma	)	
limited liability company; MAGNESIUM	)	Case No. 1:19-cv-2818
HOLDINGS, LLC, an Oklahoma limited liability	)	Judge Donald C. Nugent
company; and PARAMOUNT DESIGN, LLC, an	)	
Oklahoma limited liability company,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
TERVES LLC, a Nevada limited liability company;	)	
and MCDONALD HOPKINS LLC, an Ohio	)	
limited liability company,	)	
	)	
Defendants.	)	

**AMENDED NOTICE OF APPEAL**

Pursuant to Fed. R. App. P. 4(a)(4)(B)(ii), amended notice is hereby given that Plaintiffs Magnesium Machine, LLC, Magnesium Holdings, LLC, and Paramount Design, LLC hereby appeal to the United States Court of Appeals for the Sixth Circuit from the U.S. District Court for the Northern District of Ohio's (1) Memorandum Opinion and Order [Dkt. No. 58] and Judgment Order [Dkt. No. 59]<sup>1</sup> entered in this action on the 14<sup>th</sup> day of July, 2020, dismissing this action with prejudice; and (2) its September 9, 2020 Memorandum and Order granting Defendant Terves LLC's Motion for Attorney Fees [Dkt. No. 66].

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<sup>1</sup> Plaintiffs previously filed a first Notice of Appeal [Dkt. No. 35] on April 3, 2020, giving notice of their appeal of the Court's December 19, 2019 [Dkt. No. 15] and March 20, 2020 [Dkt. No. 25] Orders. Following this Court's dismissal of this action, Plaintiffs filed a second Notice of Appeal, expressly reserving their right to include the orders appealed from [Dkt. Nos. 15 and 25] in the first notice of appeal [Dkt. No. 35] in the subsequent appeal in the event the U.S. Court of Appeals for the Sixth Circuit dismissed the first appeal as moot, which it did on August 18, 2020.

Dated: September 21, 2020

Respectfully submitted,

/s/ Evan W. Talley

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(admitted *pro hac vice*)

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that on September 21, 2020, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew Cavanagh  
David Cupar  
Tyler Mathews

/s/ Evan W. Talley  
Evan W. Talley